

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

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CLAUDE GENE LEE, SR., )

Plaintiff, )

vs. )

Case No.: 1:06-cv-874-MHT

WESTPOINT HOME, INC., )

Defendant. )

**DEMAND FOR JURY TRIAL**

**COMPLAINT**

1. Plaintiff, Claude Gene Lee, Sr., is an adult resident of Henry County, Alabama who has been employed by the Defendant, WestPoint Homes, Inc., within this District in Henry County, Alabama.

2. Defendant, WestPoint Home, Inc., does business and has employed the Plaintiff at its plant within this District in Henry County, Alabama.

**JURISDICTION**

3. This court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e et seq., and 42 U.S.C. § 1988.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES**

4. The Plaintiff has satisfied all administrative conditions precedent to maintaining this action under Title VII, in that he timely filed a charge of race discrimination against the Defendant, and he files this action within ninety (90) days of his receipt from the EEOC of his notice-of-right-to-sue, a copy of which is attached hereto as Exhibit "A".

**FACTS**

5. The Plaintiff, Claude Gene Lee, Sr., who is black, an African American, worked for the Defendant for approximately thirty (30) years. He worked for the Defendant as a shift supervisor for the Third-Shift, and directed the work of anywhere between sixty-five (65) and eighty (80) subordinate employees.

6. The Defendant, WestPoint Home, Inc., discriminated against the Plaintiff in his employment on the basis of his color (black), and race (African American), in that the Plaintiff was unfairly written up for lack of efficiency, while his shift was the only shift to meet certain production goals. The white shift supervisors received no disciplinary action, while their shifts performed inadequately compared to the Plaintiff's shift.

7. The Plaintiff was eventually removed from his supervisory position and replaced by a less-qualified Caucasian.

8. The Plaintiff has since been terminated from his employment with the Defendant.

### **COUNT I**

9. The Plaintiff reasserts all allegations in paragraphs one through seven above.

10. The Defendant's employment practices discriminated against the Plaintiff on the basis of his race in violation of Title VII and 42 U.S.C. § 1981.

11. The Defendant's actions were flagrant and intentional and in conscious disregard of the Plaintiff's right to be free of racial discrimination in employment.

WHEREFORE, the Plaintiff demands judgment against the Defendant, including:

- (a) Compensatory damages in an amount to be determined by a jury,
- (b) Punitive damages in an amount to be determined by a jury,

(c) An award of the Plaintiff's back pay he should have and would have received absent the Defendant's unlawful discrimination, plus interest,

(d) An award of the next opening in any position that was unlawfully denied to the Plaintiff,

(e) An award of front-pay and benefits that such a position entails until the Plaintiff is placed in the position,

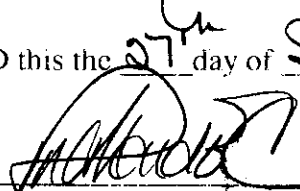
(f) A declaratory judgment that the Defendant's employment practices discriminated against the Plaintiff in violation of Title VII and 42 U.S.C. § 1981, and

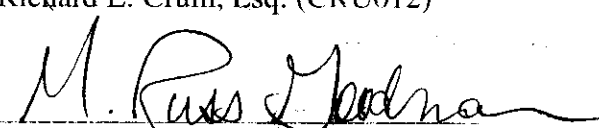
(g) An injunction enjoining such unlawful discriminatory employment practices, plus an award of the Plaintiff's costs and reasonable attorney's fees and expenses.

**JURY DEMAND**

Plaintiff demands Trial by struck jury as to all of the issues in this Complaint.

RESPECTFULLY DONE AND SUBMITTED this the 27<sup>th</sup> day of September, 2006.

  
Richard E. Crum, Esq. (CRU012)

  
M. Russ Goodman, Esq. (GOO039)

Attorneys for Plaintiff,  
Claude Gene Lee, Sr.

OF COUNSEL:  
COBB, SHEALY, CRUM, DERRICK & PIKE, P.A.  
206 North Lena Street  
Dothan, Alabama 36303  
(334) 677-3000

**PLEASE SERVE DEFENDANT AT:**

J. Tim Wilbanks  
Director Labor Relations and Corporate Compliance  
WestPoint Home, Inc.  
Post Office Box 71  
West Point, Georgia 31833

1:06-CV-874-MHT

EXHIBIT 'A'

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Claude Gene Lee, Sr.  
c/o M. Russ Goodman, Esq.  
Cobb, Shealy, Crum & Derrick, P.A.  
Post Office Box 6346  
Dothan, Alabama 36302-6346

From: Equal Employment Opportunity  
Commission  
1130 - 22<sup>nd</sup> Street, South  
Suite 2000  
Birmingham, AL 35205



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

420 2006 02529

Leon P. Jones, Investigator

(205) 212-2141

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans with Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this Notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

*Beverly B. Hinton for*  
Bernice Williams-Kimbrough, District Director

30 JUN 2006

Enclosure(s)

(Date Mailed)

cc: J. Tim Wilbanks  
Director Labor Relations and Corporate Compliance  
WestPoint Home, Inc.  
Post Office Box 71  
West point, Georgia 31833